

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AVALONBAY COMMUNITIES, INC.,

Employer,

and

Case No. 02-RC-238385

**LOCAL 30, INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO,**

Petitioner.

**EMPLOYER’S REQUEST FOR EXTENSION OF TIME TO FILE REQUEST FOR
REVIEW OF REGIONAL DIRECTOR’S DECISION AND CERTIFICATION OF
REPRESENTATIVE**

Pursuant to Section 102.69(g) of the Board’s Rules and Regulations, AvalonBay Communities, Inc. (“AvalonBay”), by its attorneys Epstein Becker & Green, P.C., respectfully requests a 14-day extension of time to file a request for review of the Regional Director’s Decision and Certification of Representative (“RD’s Decision”) in this matter. The Regional Director for Region 2 of the National Labor Relations Board (“NLRB” or “Board”) issued the RD’s Decision on April 30, 2020. Accordingly, AvalonBay’s request for review of the RD’s Decision is presently due on May 14, 2020.

NLRB Region 2 issued the Hearing Officer’s Report on Objections, which is the subject of the RD’s Decision, both electronically and by mail. Here, however, NLRB Region 2 only issued the RD’s Decision by mail. The issuance of the RD’s Decision only by mail created a significant delay in AvalonBay’s receipt of the RD’s Decision. While dated April 30, 2020, the RD’s Decision did not arrive to AvalonBay’s offices by mail until May 5, 2020. Further, due to the

widespread effects of the COVID-19 crisis, and limitations imposed by executive orders issued by the State of New York, undersigned counsel's office in New York City has been closed since March 19, 2020. As a result, undersigned counsel did not receive any copy of the RD's Decision until after AvalonBay received the RD's decision by mail on May 5, 2020.

The hearing on objections in this matter took place over five (5) days, the parties submitted more than fifty (50) exhibits, and the hearing transcript totals more than six hundred (600) pages. The Hearing Officer's Report on Objections totaled forty-five (45) pages in length, and the RD's Decision itself is twenty (20) pages in length and implicates complex factual and legal issues. Further, continued restrictions caused by the COVID-19 crisis limit the ability of undersigned counsel to access physical copies of hearing materials and to meet with representatives of AvalonBay for purposes of preparing a request for review. Accordingly, the present schedule for the filing of a request for review in this matter deprives AvalonBay of sufficient time to prepare a request for review of the RD's Decision.

Therefore, for the reasons detailed above, AvalonBay respectfully requests that the Board extend the period of time for AvalonBay to file a request for review of the Regional Director's Decision and Certification of Representative from May 14, 2020 until and including May 28, 2020. Respectfully Submitted,

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Donald Krueger
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CERTIFICATE OF SERVICE

I, Corey Argust, certify that, on May 6, 2020, I caused a copy of AvalonBay Communities, Inc.'s Request for an Extension of Time to File a Request for Review of the Regional Director's Decision and Certification of Representative to be filed with the National Labor Relations Board's Office of Executive Secretary by e-filing at www.nlr.gov and upon the Petitioner, the International Union of Operating Engineers, Local 30, and the Regional Director for Region 2 of the National Labor Relations Board by electronic mail at the following address:

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Dated: New York, New York
May 6, 2020

/s/ Corey Argust

Corey Argust